Stormwater Water Quality and Quantity and Local Program Criteria Action
Stormwater Fees Action

(by David Dowling, Policy, Planning and Budget Director) (September 24, 2008)

Introductory remarks

Over the course of today and tomorrow, the Department will be bringing to the Board three proposed regulations related to stormwater for the Board's consideration. These include regulatory actions related to:
1) Parts I, II, III – Definitions, Water Quality and Quantity Technical Criteria, and Local Program Criteria
2) Part XIII –Fees; and
3) Parts I and XIV – Definitions and Construction General Permit

Framework of Stormwater Regulations

So where do these actions fit into the stormwater management regulations?

The regulations are comprised of 15 parts.

VIRGINIA STORMWATER MANAGEMENT PROGRAM (VSMP) PERMIT REGULATIONS [4 VAC 50-60-10 et seq.]

Part I: Definitions, Purpose, and Applicability
Part II: Stormwater Management Program Technical Criteria (Water Quality and Quantity)
Part III: Local Programs
Part IV: Technical Criteria and Permit Application Requirements for State Projects
Part V: Reporting
Part VI: VSMP General Program Requirements Related to MS4s and Land-Disturbing Activities
Part VII: VSMP Permit Applications
Part VIII: VSMP Permit Conditions
Part IX: Public Involvement
Part X: Transfer, Modification, Revocation and Reissuance, and Termination of VSMP Permits
Part XI: Enforcement of VSMP Permits
Part XII: Miscellaneous
Part XIII: Fees
Part XIV: General Virginia Stormwater Management Program (VSMP) Permit for Discharges of Stormwater from Construction Activities
Part XV: General Virginia Stormwater Management Program (VSMP) Permit for Discharges of Stormwater from Small Municipal Separate Storm Sewer Systems – Effective July 9, 2008
FORMS

Part I, the definitions, are updated as necessary to address issues directly related to each regulatory action.

As you may recall, we have also just recently completed revisions to the MS4 General Permit that became effective on July 9, 2008.

Before I get into the details of today's remarks, I do want to take a moment and thank the staff with us here today and some back at the office that have labored over and supported the development of these regulations. Their efforts and work are greatly appreciated. I also want to extend the Department's thanks to the TAC members and those individuals that served on our related advisory committees. Thank you!

Summary of Recommendation

Today it is my pleasure to share with you two regulatory actions (Parts I, II, III – Definitions, Water Quality and Quantity Technical Criteria, and Local Program Criteria) and (Part XIII – Fees) for the Board's consideration and public comment.

Unlike last September when we brought these actions before you, this September we are prepared to request the Board to approve these proposed regulations and authorize the Department to file these actions for public comment. While you will hear today from some of the public that the regulations contain several areas where further analysis and refinements might need to be considered and while some may suggest further delaying the proposal of parts of these regulations, we strongly recommend that it is time to advance these proposed regulations for public comment so that a wider audience may review, analyze, and comment on these regulations. We have worked hard and collectively accomplished a lot over the last year (such as developed BMP standards or checklists, enhanced the water quality facets of the regulations, developed the Virginia Runoff Reduction Method Worksheet, conducted charrettes, etc.). I assure you, that should it be found to be necessary, we still have ample opportunities following public comment to further amend these regulations before they become final, so again, it is our recommendation that it is time to advance the proposed language before you today to the next step in the process.

Importance of these regulations:

As you were briefed on several months ago, at the 1st meeting of the reassembled stormwater technical advisory committee (TAC), the Secretary of Natural Resources, L. Preston Bryant, Jr., joined the TAC and shared with them the importance of this regulatory action. The letter from the Secretary to the TAC has been included in your package, but let me focus on several of the key points embodied in that correspondence, and I quote:

- "The work of this Committee will have statewide implications. The completion of these regulations is a high priority for this Administration, and I assure you that my office will be working closely with the Department of Conservation and Recreation and the Virginia Soil and Water Conservation Board to advance this regulatory action in an efficient manner. This regulatory action will be an important element of the Governor's "Year of the Environment" initiative in 2009. In fact, assuming a very good work product, I certainly envision considering these regulatory improvements to be among our "signature" environmental initiatives to celebrate next year."
- The Secretary continued saying, "Let me emphasize a couple of goals.
    - First, I believe it is critical that the final regulations address improvements to water quality and quantity criteria associated with construction activities.
    - Second, the regulations must establish criteria by which a locality may be approved by the Board as a "qualifying local program" and be authorized to issue coverage under the construction general permit. Under such a scenario, jurisdictions that meet the criteria will then be able to provide "one-stop shopping" for project applicants, thereby allowing for significant streamlining of local erosion and sediment control and stormwater permitting processes."
- In closing the Secretary stated that "[i]t is my hope that these stormwater regulation improvements will serve as the gold standard by which other states in the Chesapeake Bay watershed are measured. I can think of no better thing to have said about the work you are undertaking."

Conversations with the EPA

- The EPA has been closely following this regulatory action since it began in 2005. The EPA continues to characterize these regulations as an exciting and innovative product that has great promise.
- It should be noted that any decoupling of the water quality and quantity criteria from the local qualifying program criteria would likely result in a regulatory product that the EPA would not likely authorize.

Attorney General's Office

- I should also note that a statement of the Board's authority for this regulation was received from the Office of the Attorney General on September 22, 2008 substantiating the Board's authority to approve these proposed regulations based upon applicable law.
- I will also bring to your attention that based on Ms. Andrew's review, we have included a brief corrections list to be made to the regulations before you today. All of these changes are grammatical or clarifying in nature and have been incorporated into the official version of the proposed regulations.

Regulatory Process

Regulatory actions are comprised of three primary steps: the Notice of Intended Regulatory Action, the Proposed Regulations, and the Final Regulations.

The NOIRA stage is complete for the two actions before you today and the Department is advancing proposed regulations to the Board for consideration.

Potential Timetable for the Remainder of this Regulatory Action

- Take proposed regulations to the Board at the September 24, 2008 meeting.
- Target mid October for completion of an Economic Analysis.
- Target early November to file the regulations on the TownHall.
- Review by the Administration – conservatively November 2008 thru April 2009 (January if expedited).
    - Official OAG review – 3 days
    - 45 days DPB fiscal analysis review – Mid Dec. 2008
    - 14 days SNR – Jan. 2009
    - No deadline Governor – April 2009 (might be expedited)
    - Submit to Registrar – Early April 2009
    - Registrar publication – Late April 2009
- 60-day public comment period – May - June 2009 (earlier if Admin review completed); public hearings; concurrent EPA review.
- Make Regulation refinements; EPA review – by September 1, 2009.
- Take final regulation to the Board at the September 2009 meeting (when we have resolved concerns to the best of our ability).
- Final Regulation Review by DPB, SNR, Governor – by November 15, 2009.
- File with Registrar and publish for 30 days - Dec. 31, 2009.
- EPA final approval by Dec. 31, 2009.

Background - Actions related to Parts I, II, III, and XIII

- Board originally passed a motion authorizing the development of NOIRA(s) on July 21, 2005

- The NOIRAs were filed on: November 15, 2005

- On December 26, 2005 the two original Notices of Intended Regulatory Action or NOIRAs related to Stormwater Management were published in the Virginia Register of Regulations by DCR on behalf of the Board. They were:
    - The Virginia Stormwater Management Program VSMP Permit Regulations NOIRA related to the development of local stormwater program criteria and permit delegation procedures; and
    - The Virginia Stormwater Management Program VSMP Permit Regulations NOIRA related to the changes in the statewide stormwater fee schedule.

- The 60-day public comment period and two public hearings were held between December 26, 2005 and February 24, 2006.

- During March and April of 2006 the Department selected the TAC and secured a facilitator.

- The TAC was assembled during March and April of 2006 which was composed of 23 members including local governments (9); environmental groups (3); state agencies (5 members; 4 agencies); federal agencies (1); consultants - Home Builders (3); soil and water conservation district (1); planning district commission (1).

- Between May 4, 2006 and August 21, 2007, the Department held 12 TAC, 4 TAC subcommittee, and 1 technical discussion group meetings.
    - The 1st meeting of the TAC: May 4, 2006 at the Science Museum of Virginia.
    - The 2nd meeting of the TAC: May 18, 2006 at Department of Forestry.
    - The 3rd meeting of the TAC: June 8, 2006 at Department of Forestry.
    - The 4th meeting of the TAC: June 20, 2006 at the Science Museum of Virginia.
        - Part III subcommittee meeting: August 8, 2006 at DEQ regional office.
        - Part II subcommittee meeting: August 16, 2006.
    - The 5th meeting of the TAC: August 21, 2006 at the Science Museum. (Part III)
        - Part XIII subcommittee meeting: August 29, 2006 at DEQ regional office.
        - Part II subcommittee meeting (2nd meeting): September 21, 2006 at DOF in New Kent.
    - The 6th meeting of the TAC: October 3, 2006 at DOF in New Kent. (Tributary Strategies Presentation, Part II, Part III
        - Part II technical discussion meeting; October 12 at DCR.
    - The 7th meeting of the TAC: October 16, 2006.
    - The 8th meeting of TAC: May 22, 2007.
    - The 9th meeting of the TAC: June 14, 2007.
    - The 10th meeting of the TAC: June 26, 2007.
    - The 11th meeting of the TAC: June 29, 2007.
    - The 12th meeting of the TAC: August 21, 2007.
    - We held over 50 internal discussions and team drafting meetings.

- At the September 20, 2007 Board meeting, the Board directed the withdrawal of the NOIRA stage for Parts I, II, and III in order to eliminate any question regarding the intent of the original NOIRA related to the Part II water quality and quantity technical criteria and authorized the Department to file a new NOIRA. As part of this motion, the Board directed the Department and the new TAC it would form, to build on the work of the previous TAC. The Board also directed the Department to:
    - Assemble a workgroup to develop water quantity language for the TAC's consideration.
    - Continue work on BMP Clearinghouse.
    - Continue work on Handbook Revisions.
    - Hold a series of regulation discussion and plan review meetings to address water quality calculations and spreadsheet approach.
    - Work on fiscal analysis of proposed regulation.

  We have made significant progress on each of these elements as I will describe in my later remarks.

- 60-day public comment period associated with the new NOIRA for Parts I, II, and III opened on the TownHall on February 18, 2008.

- New NOIRA published in Register March 17, 2008 (previous NOIRA stage withdrawn).

- 60-day public comment period closed April 16, 2008.

- 29-member TAC was appointed that included most of the original TAC but incorporated a number of additional stormwater engineers to bring additional technical expertise to the TAC.

- Between June 10, 2008 and September 9, 2008, the Department held an additional 5 TAC and 4 water quantity workgroup meetings. The water quantity group was a separate advisory committee that was established and made up of technical experts.
    - The 1st Water Quantity workgroup meeting: April 22, 2008.
    - The 2nd Water Quantity workgroup meeting: May 20, 2008.
    - The 3rd Water Quantity workgroup meeting: May 27, 2008.
  - The 1st meeting of the TAC: June 10, 2008.
    - The 4th Water Quantity workgroup meeting: July 9, 2008.
  - The 2nd meeting of the TAC: July 16, 2008.
  - The 3rd meeting of the TAC: August 14, 2008.
  - The 4th meeting of the TAC: August 26, 2008.
  - The 5th meeting of the TAC: September 9, 2008

- The Department contracted with the Center for Watershed Protection to provide recommendations to the Department and the Board regarding the water quality and quantity criteria portions of the regulations. This project has been led by David Hirschman. The Center, utilizing the best stormwater data sets and scientific methodologies available in the nation, put forth technical recommendations to the Department and developed the Virginia Runoff Reduction Method and worksheet. These recommendations and processes have been incorporated into the current proposed regulations. [You will be hearing from David at the conclusion of my remarks.]

- The Department also contracted out with Dr. Kurt Stephenson, an economist at Virginia Tech in June of 2008 to assist in determining the cost of the regulations as well as the general off-setting costs associated with further degradation of Virginia's waters in the absence of these regulatory revisions. A final report is due in October of 2008.

- Since the September 07 Board meeting, the Department has also held two rounds of Charrettes to test the Virginia Runoff Reduction Method and the achievability of the regulations and to familiarize the public with the method:
    - First round of charrettes were held (in association with ASCE):
        - #1 Dorey Park, Richmond (Jan. 31st)
        - #2 Lakes and Watersheds Conference (March 11th)
        - #3 Environment VA (April 1st)
        - #4 Hampton Roads (April 29th)
        - #5 Northern VA (May 12th)

  The product was refined during the summer based on comments received.
    - Second round of charettes were held (more will be held in coming months):
        - #1 Pocahontas State Park, Chesterfield (September 3rd)
        - #2 Wetland Studies and Solutions, Gainesville (September 16th)

  Between the two series of charrettes, we would estimate that we had about 300 different people attend, with 55-60% of those from consulting firms or construction companies, and about 25-30% from local governments.

- The Department has been distributing the methodology to interested entities that may be willing to conduct testing. Additionally, the James River Association has contracted with Williamsburg Environmental Group to methodically test the regulations and methodology.

- To ensure that standard designs are available for the required best management practices, the Department established a Stormwater BMP Clearinghouse Advisory Committee that has met on 7 occasions. The Department has contracted with the Virginia Water Resources Research Center at VT to develop the website and assist DCR in the administration of the advisory committee. The Department has worked with both CWP and Dr. Tom Schueler of the Chesapeake Stormwater Network to develop the BMP specifications and checklists:
    - The 1st meeting of the Advisory Committee: May 30, 2007.
    - The 2nd meeting of the Advisory Committee: June 21, 2007.
    - The 3rd meeting of the Advisory Committee: September 11, 2007.
    - The 4th meeting of the Advisory Committee: December 12, 2007.
    - The 5th meeting of the Advisory Committee: March 13, 2008.
    - The 6th meeting of the Advisory Committee: June 12, 2008.
    - The 7th meeting of the Advisory Committee: September 11, 2008.

- To assist in the review of Stormwater Handbook chapters, an advisory committee was formed. The committee has had one organizational meeting in the fall of 2007 with additional meetings expected this fall as handbook chapters are completed and circulated for comment.

- In summary, the Department has established a TAC, a Water Quantity Workgroup, a BMP Clearinghouse Advisory Committee, and a Handbook Advisory Committee, and has held 44 public meetings associated with the regulations, [17 TAC meetings, 4 subcommittee meetings, 13 technical advisory group meetings, 7 Charrettes (that included approximately 300 different people), and 3 public meetings], held over 75 internal working sessions to draft and revise the regulations, and established three supporting contracts (CWP-scientific and technical, VT-BMP Clearinghouse, and VT-economic). We have also spoken at a number of organization's meetings and state and national conferences on these regulatory actions. We truly believe that this may have been one of the most vetted regulatory actions ever.

It should be noted that comments received in response to the March 2008 Parts I, II, and III NOIRA and the December 2005 Part XIII NOIRA are enclosed in your packages. I believe the key elements of these comments will be addressed in my remarks. Additionally, we have enclosed comments received in the last two days from the Virginia Municipal Stormwater Association, several localities, a PDC, and a Soil and Water Conservation District. I am sure that you will be hearing more from these entities during today's public comment period.

Regulation Summary

Overview:

So why are these regulations needed?

Controlling stormwater runoff and its impacts is a serious issue facing the Commonwealth and its local governments. Citizens are complaining about flooding caused by increased amounts of stormwater runoff and the runoff is also reported as a contributor to excessive nutrient enrichment in numerous rivers, lakes, and ponds throughout the state, as well as a continued threat to estuarine waters and the Chesapeake Bay.

Numerous studies have documented the cumulative effects of urbanization on stream and watershed ecology. Research has established that as impervious cover in a watershed increases, stream stability is reduced, habitat is lost, water quality becomes degraded, and biological diversity decreases largely due to stormwater runoff. We recognize that impervious areas decrease the natural stormwater purification functions of watersheds and increase the potential for water quality impacts in receiving waters.

Uncontrolled stormwater runoff has many cumulative impacts on humans and the environment including:

- Flooding - Damage to public and private property
- Eroded Streambanks - Sediment clogs waterways, fills lakes, reservoirs, kills fish and aquatic animals
- Widened Stream Channels - Loss of valuable property
- Aesthetics - Dirty water, trash and debris, foul odors
- Fish and Aquatic Life - Impaired and destroyed
- Impaired Recreational Uses - Swimming, fishing, boating
- Threatens Public Health - Contamination of drinking water, fish/shellfish
- Threatens Public Safety - Drownings occur in flood waters
- Economic Impacts – Impairments to fisheries, shellfish, tourism, recreation related businesses

Additionally, development can dramatically alter the hydrologic regime of a site or watershed as a result of increases in impervious surfaces. The impacts of development on hydrology may include:

- Loss of vegetation, resulting in decreased evapotranspiration
- Soil compaction
- Reduced groundwater recharge
- Reduced stream base flow
- Increased runoff volume
- Increased peak discharges
- Decreased runoff travel time
- Increased frequency and duration of high stream flow
- Increased flow velocity during storms
- Increased frequency of bank-full and over-bank floods

The regulations before you today, work to minimize the cumulative impacts of stormwater on humans and the environment and moderate the associated hydrologic impacts. We recognize that if not properly managed, stormwater can have significant economic impacts and the stream restoration costs to fix the problems after the fact are very costly.

We must keep in mind that a 2007 EPA Office of the Inspector General report entitled “Development Growth Outpacing Progress in Watershed Efforts to Restore the Chesapeake Bay; Report No.2007-P-00031; September 10, 2007, noted that “new development is increasing nutrient and sediment loads at

rates faster than loads are being reduced from developed lands. Little progress has been reported in reaching nutrient and sediment load reduction goals from developed lands. The Chesapeake Bay Program Office estimates that impervious surfaces in the Bay watershed grew significantly – by 41 percent – in the 1990s. Meanwhile, the population increased by only 8 percent. Because progress in reducing loads is being offset by increasing loads from new development, greater reductions will be needed to meet the Bay goals. The CBPO estimated that loads from developed and developing lands increased while loads from agriculture and wastewater facilities decreased." The Assessment noted that stormwater runoff comprised 21.5% of the nitrogen load and 21% of the phosphorus load delivered from Virginia to the Chesapeake Bay. This represented a marked increase since 1985 when stormwater runoff comprised only 12 and 16 percent, respectively.

The Commonwealth needs to employ all possible strategies in its tool box to address water quality improvements on a statewide basis in both agricultural and urban settings, including making marked improvements in our stormwater regulations. We have already made major changes to the nutrient management regulations a few years back and we are ratcheting up Erosion and Sediment local program reviews. Improvements to these regulations are also another key component of addressing the Commonwealth's needed water quality improvements.

Economic Analysis

As I mentioned previously, the Department contracted out with Dr. Kurt Stephenson, an economist at Virginia Tech in their Department of Ag and Applied Economics in June of 2008 to assist in determining the cost of the regulations as well as the general off-setting costs associated with further degradation of Virginia's waters. Dr. Bobby Beamer has been assisting with this work. A final report is due to the Department in October should we have a proposed regulation. This information is required as part of the submittal of the proposed regulations for Administrative and public review. Additionally, upon submittal of this package, the Department of Planning and Budget conducts an independent fiscal analysis of the regulations.

However, in preparation for this meeting, a preliminary outline/draft of the report has been shared with the Department. An overview of the draft report to date is as follows:

1) Provides a narrative on the existing water quality regulations such as Virginia's Erosion, and Sediment Control, Stormwater Management, and Chesapeake Bay Local Assistance Program regulations and their inter-relationships as they relate to stormwater management.

2) Provides a summary of the proposed regulations.

3) Begins to outline some of the anticipated economic impacts (costs and benefits) of the proposed regulations. Notes that:
    - The proposed regulations will increase the cost to most land disturbing activities across the entire state (ranging from increased construction costs to greater costs associated with long term maintenance of control practices. [This does not come as a surprise as we knew the costs of doing business may increase to achieve the necessary environmental gains.]
    - Outlines who will be affected by the regulations, for example: A portion of the costs will be passed down to buyers of newly constructed properties. Costs will be incurred by public and private entities associated with the administration of the stormwater management program. Environmental consulting engineers may benefit and businesses providing construction and earthmoving will also be impacted.
    - Notes that total projected cost for the state cannot be reliably projected at this time as extrapolating empirical cost analysis to field conditions is challenging given that stormwater treatment exhibits considerable site-specific variation resulting from different

soil, topography, climatic conditions, local economic conditions, and regulatory requirements. The analysis does however review factors that will likely increase or decrease compliance costs (for example):

- The additional control options and P removal possibilities provided in the regulations increase choice and reduce the structural controls required to treat stormwater and may tend to reduce the cost of phosphorus removal.
- Limitations on the practices allowed by local jurisdictions and the potential increase in the number of practices that require inspection may tend to increase P reduction costs.
- Increased treatment of volume under the quantity portion of the regulations may result in increased sizes of control practices and may result in cost increases.
- Notes that the proposed regulation offers opportunities to reduce P by altering the design of any development. Impervious cover may be reduced through planning options such as cluster development patterns, preserving forest cover, reducing street widths, and reducing curb and gutter to name a few. Such features may reportedly reduce capital costs of subdivisions from 10-33%.

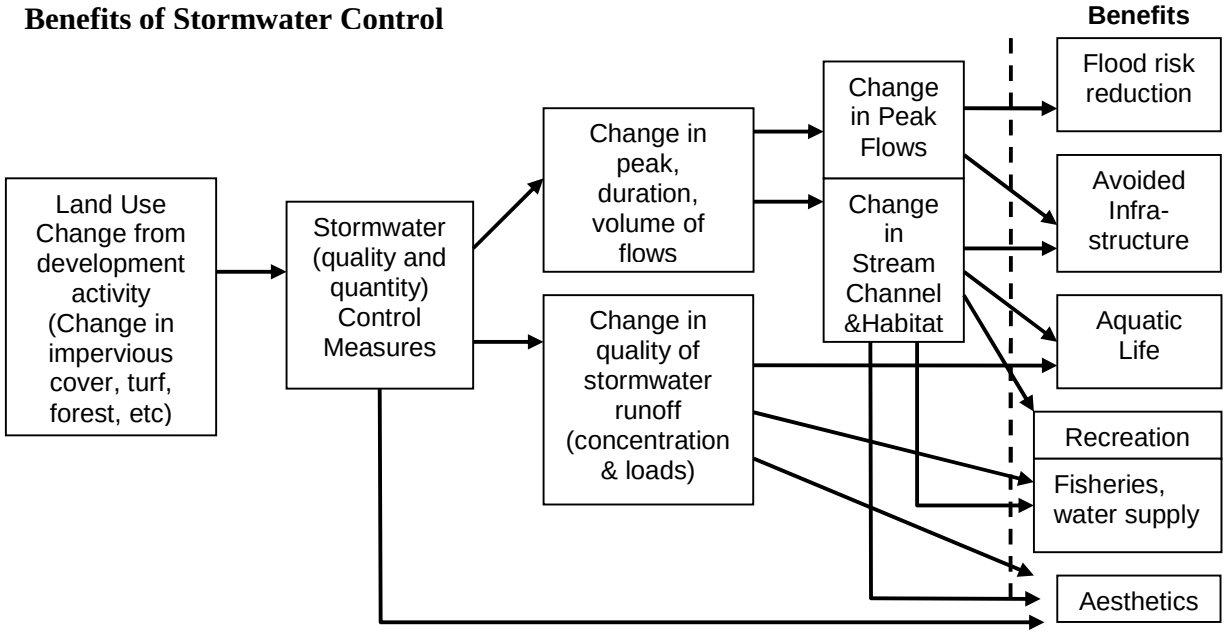
4) Quotes that the Chesapeake Bay Commission in 2004 summarized the challenges of managing urban loads: while urban sources are the fastest growing source of nutrient load to the Bay, "the job to reduce stormwater impacts from developed land will be expensive, difficult to measure and effective only over the long term". It goes on to site the Virginia tributary strategies document that urban runoff contributes 18% of Virginia's phosphorus load to the Bay, but crude cost analysis estimates that urban runoff controls will make up 75% of the cost to meet Virginia's reduction commitment.

5) The report notes that charrette test applications illustrate that for new developments (<50% impervious), the proposed water quality/quantity requirements can be achieved. The participants in the workshop were able to take advantage of forest cover preservation and reductions in impervious surface to help achieve compliance. Tentative estimates for two of the residential projects indicated that additional stormwater costs might be between $2,000 to $3,000 per lot.

6) Notes that the offsite provisions and the pro rata system are an important and critical feature of the regulation. These provisions will allow greater opportunity to get more water quality protection for every dollar spent. Allowing land disturbers and local program administrators some flexibility to determine how and where water quality can be addressed can reduce overall costs.

7) In the benefits section of the study, it notes that stormwater control practices alter flow and runoff quality stemming from land use change. These changes could then impact a number of man-made and water-related services that are of value to people. These services include reductions in flood risk, avoided infrastructure costs, aquatic life support, recreation, and aesthetics (Braden and Johnston 2004).

Benefits of Stormwater Control



8) The proposed regulations place new emphasis on runoff reduction and infiltration practices that can also reasonably be expected to provide ancillary reductions of other pollutants [such as nitrogen or sediment].

9) Notes that the achievement of the Chesapeake Bay goals has been an important water quality goal for the state for over 20 years. The Chesapeake Bay makes numerous and fundamental contributions to the economy and the citizens of the Commonwealth. The benefits (measured primarily as the increased recreational benefits) from state and federal policy efforts through 1996 was estimated to be between $360 million to $1.8 billion (Morgan and Owen 2001). These benefits were confined only to recreational benefits and to those currently living within the Bay watershed.

Preliminary Findings of the James River Association/ Williamsburg Environmental Group Study

Although it may be difficult to develop statewide cost estimates associated with these regulations due to the great variability between sites, we can provide example estimates on a site by site basis as well as test the general attainability of the regulations. Aside from the testing during the charrettes that were held, that have generally supported the attainability of these regulations, the JRA/ WEG study provides a more detailed analysis of the regulations. It is our understanding that the study is reviewing a range of sites from low to high imperviousness, residential to commercial, as well as testing a redevelopment site. It is also our understanding that the testing done to date continues to support the assertion that the regulations are technically achievable. I believe that the Board may hear more about this study during the public comments.

The key provisions of this regulation include

1) Establishes that in order to protect the quality of state waters and to control nonpoint source pollution, a local program shall apply the minimum technical criteria and statewide standards established in **Part II** for stormwater management associated with land disturbing activities **[lines 835 – 1316]**.

   NOTE: In general, since 2005 when the Board took over the federal stormwater permit program, the **current** water quality technical criteria for construction activity statewide are as follows:
   - Sites between 0 and 15% imperviousness for new development, all stormwater runoff goes virtually untreated.
   - New development above the 16% imperviousness threshold requires a post development pollutant load of .45 lbs/acres/year Phosphorus. This is a P-based system.
   - A 10% reduction in the pre-development load is required on redevelopment sites.

   New statewide water quality technical criteria that are being proposed for construction activity are as follows **[lines 975 – 1017]**:
   - For new development, a 0.28 lbs/acre/year phosphorus standard is established.
   - On prior developed lands, total phosphorus loads shall be reduced to an amount at least 20% below the pre-development phosphorus load.
   - If a wasteload allocation for a pollutant has been established in a TMDL and is assigned to stormwater discharges from a construction activity, control measures must be implemented to meet the WLA.
   - A qualifying local program may establish more stringent standards.
   - Compliance with the water quality criteria shall be determined utilizing the Virginia Runoff Reduction Method.
   - BMPs listed in Table 1 of Part II or those available on the Virginia Stormwater BMP Clearinghouse shall be utilized to reduce the phosphorus load.
   - A locality may establish use limitations on specific BMPs (such as wet ponds or certain infiltration practices).

   We believe that most projects can achieve the required reductions on site. However, if the water quality technical criteria can not be met on-site, off-site controls in part or in whole will be allowed by a qualifying local program in accordance with a Department-approved comprehensive watershed stormwater management plan. Offsite reductions shall be equal to or greater than those required on the land disturbing site. **[Lines 1024 – 1030 and 1293 – 1311]**

   If no comprehensive watershed stormwater management plan exists, the criteria may still be allowed to be met off-site if **[Lines 1031 – 1046]**:
   - The local program allows for off-site controls;
   - The applicant demonstrates to the satisfaction of the local program that offsite reductions equal to or greater than those that would otherwise be required for the site are achieved;
   - The development's runoff will not result in flooding or channel erosion impacts downstream of the site or any off-site treatment area;
   - Off-site controls are located within the same Hydrologic Unit Code or the adjacent downstream Hydrologic Unit Code to the land disturbing site;
   - Verification has been received as to the legal right to use the offsite property; and
   - A maintenance agreement for the stormwater facilities is developed.

If allowed by the qualifying local program, reductions required for a site may be achieved by the payment of a pro-rata fee sufficient to fund improvements necessary to adequately achieve those reductions. [**Lines 1312 – 1316]**

A local program may also waive the water quality requirements through the granting of an exception in accordance with Part III provided that **[Lines 1637 – 1653 and 1832 – 1833]**:

- The exception is the minimum necessary to afford relief.
- Reasonable and appropriate conditions are imposed to preserve the intent of the Act.
- Granting will not confer on the permittee any special privileges denied to others under similar circumstances.
- The exception requests are not based upon conditions or circumstances that are self-imposed or self created.
- Economic hardship alone is not sufficient reason to grant an exception.

2) Establishes in **Part II** water quantity criteria to address channel protection and flood protection. This language clarifies and expands on Minimum Standard 19 in the E&S regulations **[Lines 1050 – 1210]**.

Channel protection shall be achieved through one of the following **[Lines 1054 – 1096]**:

- Stormwater released into a man-made conveyance system from the 2-year 24-hour storm shall be done so without causing erosion of the system.
- Stormwater released into a restored stormwater conveyance system, in combination with other existing stormwater runoff, shall not exceed the design of the restored system nor result in instability of the system.
- Stormwater released to a stable natural stormwater conveyance shall not cause the system to become unstable from the one-year 24-hour storm discharge and it shall provide a peak flow rate from the one-year 24-hour storm that is less than or equal to the pre-development peak flow rate as ascertained by the energy balance equation. [Keep a stable stream stable.]
- Stormwater released to an unstable natural stormwater conveyance shall provide a peak flow rate from the one-year 24-hour storm that is less than or equal to the forested peak flow rate as ascertained by the energy balance equation. [You improve an unstable streams stability.]

Flood protection shall be achieved through one of the following **[Lines 1097 – 1124]**:

- The post-development peak flow rate from the 10-year 24-hour storm is confined within a man-made conveyance system.
- The post-development peak flow rate from the 10-year 24-hour storm is confined within a restored stormwater conveyance system.
- The post-development peak flow rate from the 10-year 24-hour storm is confined within a natural stormwater conveyance that currently does not flood.
- The post-development peak flow rate from the 10-year 24-hour storm shall not exceed the pre-development peak flow rate from the 10-year 24-hour storm based on forested conditions in a natural stormwater conveyance where localized flooding exists.
- A local program may adopt alternative flood design criteria that achieve equivalent results.

If either of the following conditions are met, the channel protection and flood protection criteria do not apply **[Lines 1125 – 1135]**:

- The site's contributing drainage area is less than or equal to one percent of the total watershed area draining to the point of discharge.
- The development of the site results in an increase in the peak flow rate from the one-year 24-hour storm that is less than one percent of the existing peak flow rate from the one-year 24-hour storm generated by the total watershed area draining to the point of discharge.

3) Establishes the minimum criteria and ordinance requirements (where applicable) which include but are not limited to administration, plan review, issuance of coverage under the General Virginia Stormwater Management Program (VSMP) Permit for Discharges of Stormwater from Construction Activities, inspection, enforcement, reporting, and record keeping, for a Board-authorized qualifying local program (**Part IIIA**) or for a Board-authorized department-administered local stormwater management program (**Part III B**) **[Lines 1323 – 1878]**.

A local program shall provide for the following **[Lines 1349 – 1372]**:

- Identification of the authority(ies) issuing permit coverage, reviewing plans, approving plans, conducting inspections, and carrying-out enforcement.
- Any technical criteria differing from those set out in the regulations.
- Plan submission and approval procedures.
- Project inspection and monitoring processes.
- Procedures for long-term inspection and maintenance of stormwater management facilities.
- Enforcement

- An ordinance that incorporates the components outlined above is required.
- A local program shall report specified information to the Department.
- A local program may require performance bonds or other financial surety.

A local program shall require stormwater management plans that include the following elements **[Lines 1373 – 1425]**:

- Location of points of discharge, receiving waters, pre and post-development conditions.
- Contact information.
- Project narrative.
- Location and design of stormwater management facilities.
- Hydrologic characteristics and structural properties of the soils utilized during facility installation.
- Hydrologic and hydraulic computations of the pre and post-development runoff conditions for the required design storms.
- Calculations verifying compliance with the water quality and quantity requirements.
- A site map that includes the specified elements.
- Plans shall be appropriately signed and sealed by a professional.

The regulation establishes timelines for establishing plan and application completeness, for plan review and approval, and for plan modifications. It also establishes applicant notification requirements. **[Lines 1426 – 1469]**

Establishes that coverage under the construction general permit shall be authorized in accordance with the following **[Lines 1495 – 1524]**:

- The applicant must have an approved stormwater management plan.
- The applicant must have submitted proposed right-of-entry agreements or easements granted from the owner to the local program for the purposes of inspection and maintenance of stormwater management facilities as well as maintenance agreements, including inspection schedules, for such facilities.
- An approved general permit registration statement.
- The required fee form and total fee.

Inspections shall be conducted as follows **[Lines 1525 – 1563 and 1654 - 1674]**:

- The local program or its designee shall inspect the land disturbing activity during construction.
- At the termination of the project and prior to bond or surety release of the performance bond or surety, construction record drawings for the permanent stormwater facilities shall be submitted to the local program.
- The owner of the stormwater management facilities shall conduct inspections in accordance with the inspection schedule in the recorded maintenance agreement and shall submit the inspection report to the local program.
- The local program shall develop a Board approved inspection schedule.

Information shall be reported by the local program to the Department on a fiscal year basis by October 1st annually as follows **[Lines 1675 – 1698]**:

- Information regarding permanent stormwater facilities completed during the fiscal year.
- Number of permitted projects inspected by acreage categories.
- Number and type of enforcement actions taken.
- Number of exceptions granted or denied.

4) Establishes a Schedule of Civil Penalties as guidance for a court as required by law. **[Lines 1587 – 1596]**

5) Establishes in **Part III D** the procedures the Board will utilize in authorizing a locality to administer a qualifying local program. The application package shall include the following **[Lines 1922 – 1979]**:
    - The local program ordinance(s);
    - A funding and staffing plan based on the projected permitting fees;
    - The policies and procedures, including but not limited to, agreements with Soil and Water Conservation Districts, adjacent localities, or other entities, for the administration, plan review, permit issuance, inspection and enforcement components of the program.
    - The department shall operate a program in any locality in which a qualifying local program has not been adopted in accordance with a Board-approved schedule.

6) Establishes in **Part III C** the criteria the Department will utilize in reviewing a locality's administration of a qualifying local program. The review shall consist of the following **[Lines 1879 – 1921]**:
    - An interview between department staff and the qualifying local program administrator or his designee;
    - A review of the local ordinance(s) and other applicable documents;
    - A review of a subset of the plans approved by the qualifying local program and consistency of application including exceptions granted;
    - An accounting of the receipt and of the expenditure of fees received;
    - An inspection of regulated activities; and
    - A review of enforcement actions and an accounting of amounts recovered through enforcement actions.

7) Makes changes to definitions in **Part I** as follows **[Lines 4 – 813]**:
    - Deletes unnecessary definitions;
    - Establishes abbreviations for commonly used terms;
    - Updates definitions such as "channel", "development", "drainage area", "flood fringe", "floodplain", "floodway", "impervious cover", "local stormwater management program", "permit-issuing authority", "pre-development", "site", and "watershed"; and

- Adds needed definitions such as "comprehensive stormwater management plan", "karst features", "man-made stormwater conveyance system", "natural channel design concepts", natural stormwater conveyance system", natural stream", "point of discharge", pollutant discharge", "prior developed lands", "qualifying local program", "restored stormwater conveyance system", "runoff characteristics", "runoff volume", "site hydrology", "stable", "stormwater conveyance system", "stormwater management standards", "unstable", "Virginia Stormwater Management Handbook", and "Stormwater management standards".

8) Establishes in **Part XIII** a statewide fee schedule for stormwater management and state agency projects and notes that this part establishes the fee assessment and the collection and distribution systems for those fees. **[Lines 1 – 286 in Part XIII document]**
   - Permit fees were established at a level to allow a local program to cover stormwater program costs associated with plan review, permit review and issuance, inspections, enforcement, program administration and oversight, and travel. Fees also include costs associated with department oversight functions and database management.
   - 50% of the fees are due upon application and the remaining 50% at issuance of coverage.
   - The fees are split 72% to the local program and 28% to the Department.
   - Localities may establish lower fees for their program if they can demonstrate their ability to fully and successfully implement a qualifying program at a lower rate or from a different funding source.
   - The fees shall be periodically assessed and revised as necessary through regulatory actions.
   - Permit fees are established for:
     - Municipal Separate Storm Sewer Systems new coverage (Individual and General Permit)
     - Municipal Separate Storm Sewer Systems major modifications (Individual)
     - Construction activity coverage (Individual and General Permit) (based on project acreage)
     - Construction activity modifications or transfers (Individual and General Permit) [For those permits that require significant additional administrative expenses such as additional plan reviews, etc.]
     - MS4 and Construction activity annual permit maintenance fees (Individual and General Permit) [For those projects that have not been completed and terminated within a year, allows for recovery in the out years of expenses associated with inspection, enforcement, etc.]
   - Allows for an annual increase in fees based on the CPI-U. [Not to exceed 4% per annum without formal action by the Board.]

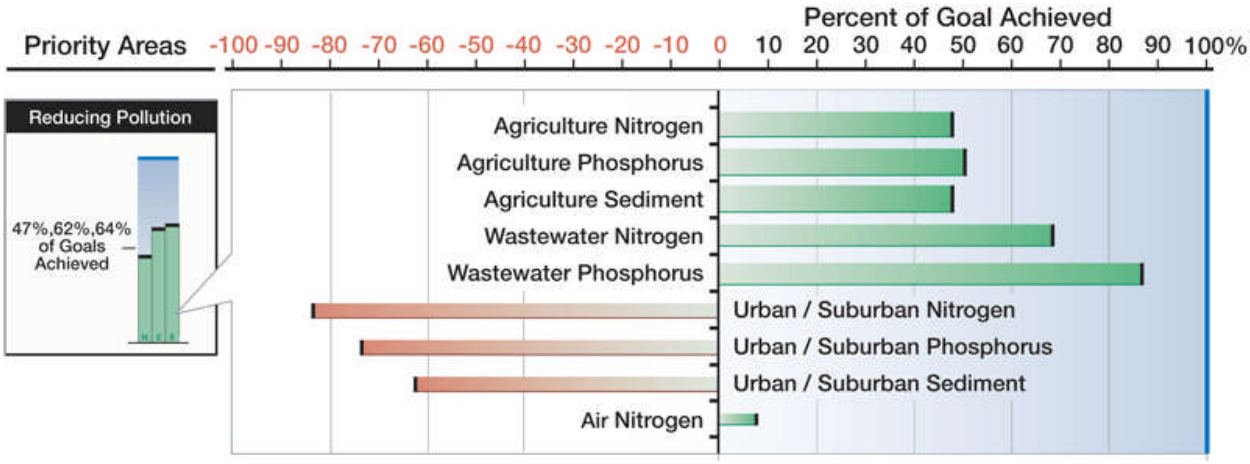
Key Questions that the Board will hear today

With the understanding that we are asking you today to advance these proposed regulations for Administrative review and public comment, we are aware of several areas of discussion that you may hear more on today from the public and that you received comments on. While important to be aware of, please remember that we will have opportunities to make further amendments to this action following the public comment period and before the Board considers a final set of regulations. With that in mind, the following concepts are being brought to your attention. Some may suggest that:

1) **The calculations and science behind the establishment of the 0.28 new development and 20% redevelopment water quality standards merits further discussion.**

   - Over the last twenty years, as development has increased in Virginia, pollution loads in the Chesapeake Bay watershed from stormwater runoff have increased, while pollution loads from other major sources, such as wastewater discharges and agriculture, have declined. While the Commonwealth has spent considerable time, programmatic focus, and expense addressing

nutrients coming from wastewater discharges and agriculture, this regulatory action is one of the first key steps in addressing the increasing impacts from stormwater.



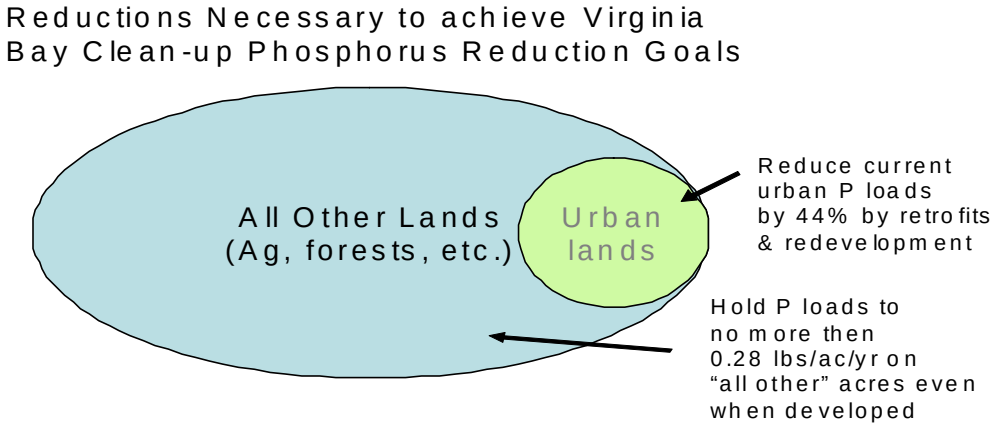
- In order to fulfill our water quality commitments and to address increasing water quality challenges across the Commonwealth, the regulations include numeric phosphorus criteria both for new development on undeveloped land and for redevelopment of existing developed lands.

- The proposed water quality criteria (0.28 lbs/acre/year new development standard and the 20% redevelopment standard) were established based on meeting Virginia's nutrient reduction requirements under the Chesapeake Bay Agreement. Water quality standards were established for different segments of the Chesapeake Bay and tributaries. The standards established criteria for dissolved oxygen and water clarity. Modeling conducted by the Chesapeake Bay Program then analyzed the relationship between total nitrogen and phosphorus loads delivered to the Bay and the probability and frequency of attainment with water quality standards. The final annual load target agreed upon was 175 million pounds of nitrogen and 12.8 million pounds of phosphorus. Virginia's portion of this overall load target was set at 51.4 million pounds of nitrogen and 6 million pounds of phosphorus (delivered load to the Chesapeake Bay from all tributaries).

- To meet these targets, Virginia developed and adopted plans, called Tributary Strategies, which identify implementation actions necessary to remove water quality impairments in the Chesapeake Bay, including its tidal tributaries, caused by nitrogen, phosphorus and sediment pollution. Additionally, Virginia developed water quality standards (dissolved oxygen, chlorophyll-a, and clarity) for the Chesapeake Bay and its tributaries that incorporated the Chesapeake Bay commitments into the Commonwealth's regulatory framework. The plans were devised to achieve nutrient load targets. The plans allocated nutrient reduction load targets to specific types of discharge sources such as agriculture, forest, mixed open, point sources, and urban.

- From the Bay model load targets established for these discharge sources, computations were made utilizing the target loads for non-urban lands to arrive at an average non-urban load that needs to be met and maintained to meet the tributary goals and more importantly to maintain the health of the Commonwealth's rivers and the Bay. Should such lands be changed in use through development, the 0.28 lbs/acre/year remains a target for the developed lands so that the Commonwealth's waters are not degraded.

- From the redevelopment perspective, the estimated 2002 urban load was compared to the tributary strategy urban load target. Although the calculations indicated a need for a 44% urban load reduction, not wanting to create a standard that would deter redevelopment, we reduced the redevelopment standard to 20% (it is currently 10%).



- We suggest that the methodologies utilized represent the best data and modeling available upon which to establish water quality criteria.

2) Why should we establish a statewide water quality standard (based upon Bay calculations).

- Stormwater quantity and quality is a recognized problem state-wide. Impaired waters are not just prevalent in the Chesapeake Bay but have been identified throughout the state. TMDLs have been established on stream segments throughout the state, including non-Bay watersheds, to address these impairments. Additionally, studies have reportedly shown that nutrient loadings to Virginia's rivers draining to the Ohio and Mississippi basins may contribute to those basin's hypoxia episodes. [NOTE: Virginia's land area is approximately 54% within the Chesapeake Bay watershed and 46% in the Southern Rivers (SR) waters; 60% of SR drains to the Atlantic Ocean through North Carolina and 40% to the Ohio River basin.]

- While the 0.28 lbs/acre/year phosphorus standard was established to meet specified Bay goals, it was established as the target level necessary to minimize nutrient impacts on Virginia's aquatic systems and to maintain the health of the aquatic communities.

- The 0.28 lbs/acre/yr phosphorous load addresses the reductions needed by new development to maintain pre-development phosphorous loads associated with non-urban land. The end result is "no-net increase" in phosphorous from new development.

- While urban development may not be as prevalent in the non-Bay portions of the state, and while many of the impairments in these waters may be coming from agricultural sources today, this load limit assures that should development occur in these areas it will not further impact the streams.

- Additionally, stormwater additions to western streams may have even greater impacts due to the greater sensitivity of cold and cool water ecosystems (such as trout streams) to nutrient enrichment, sedimentation, turbidity, and dissolved oxygen reductions.

- It should be noted that while the target nutrient is phosphorus, the control measures employed will also remove nitrogen, sediment, and other potential pollutants associated with stormwater runoff.

- The state-wide adoption of the 0.28 lbs/acre/yr phosphorous load is an equitable approach across Virginia jurisdictions so that no locality has a competitive development advantage over another when it relates to stormwater requirements.

- Establishment of a statewide standard also simplifies and standardizes compliance calculations between jurisdictions, thereby facilitating implementation for both permit applicants and local program administrators.

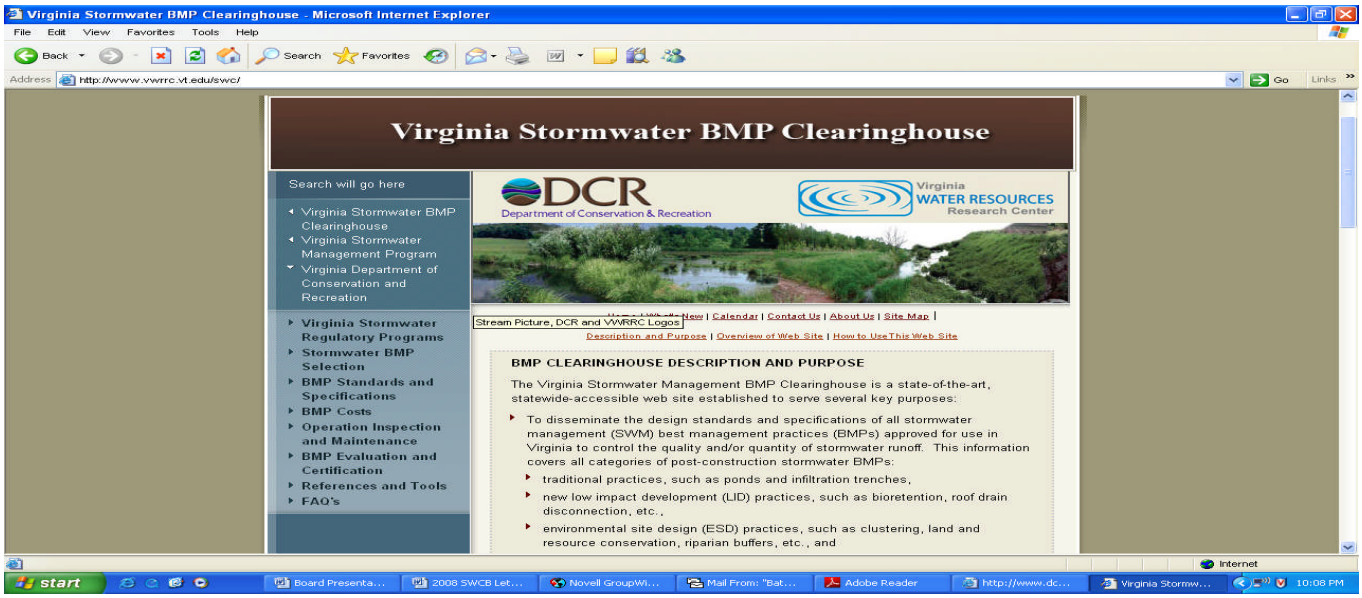
3) More time is needed to assess the achievability of the water quality and quantity standards.

- The regulations being recommended to the Board today are only at the proposed stage and opportunities for further refinement of them exist before bringing a final set back to the Board for consideration. Soliciting comments on the regulations from an even broader array of constituents will be more meaningful once we have a set of Board approved proposed regulations.

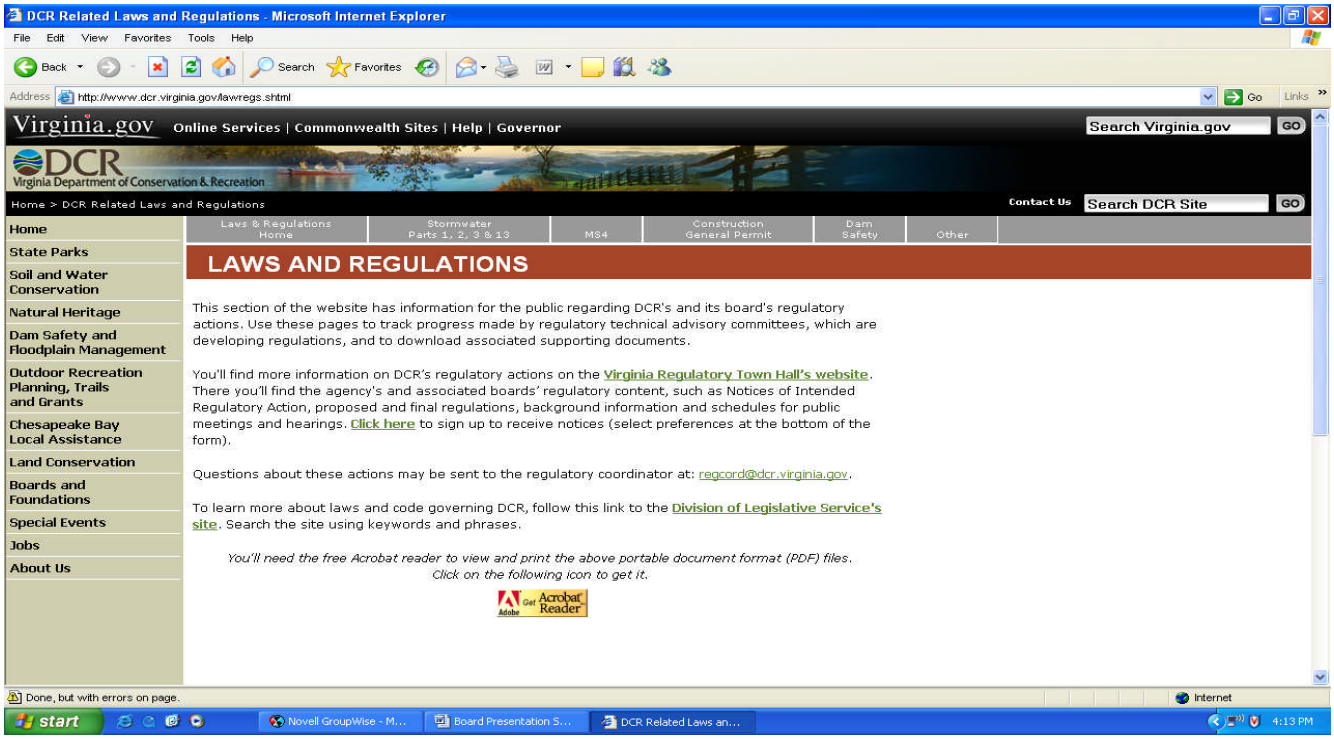
- Between this meeting and the closure of a 60-day public comment period, the public will have at least 5-8 months to assess the regulations and to provide their analyses and comments.

As a point of interest related to assessing the achievability of these regulations, DCR has established and revised several websites to make the materials deemed necessary for compliance with the standards readily accessible by the public.

- The specifications for the Best Management Practices necessary to comply with the regulations are currently available on the Draft Virginia Stormwater BMP Clearinghouse at www.vwrrc.vt.edu/swc. The password protection for the draft site has been removed.

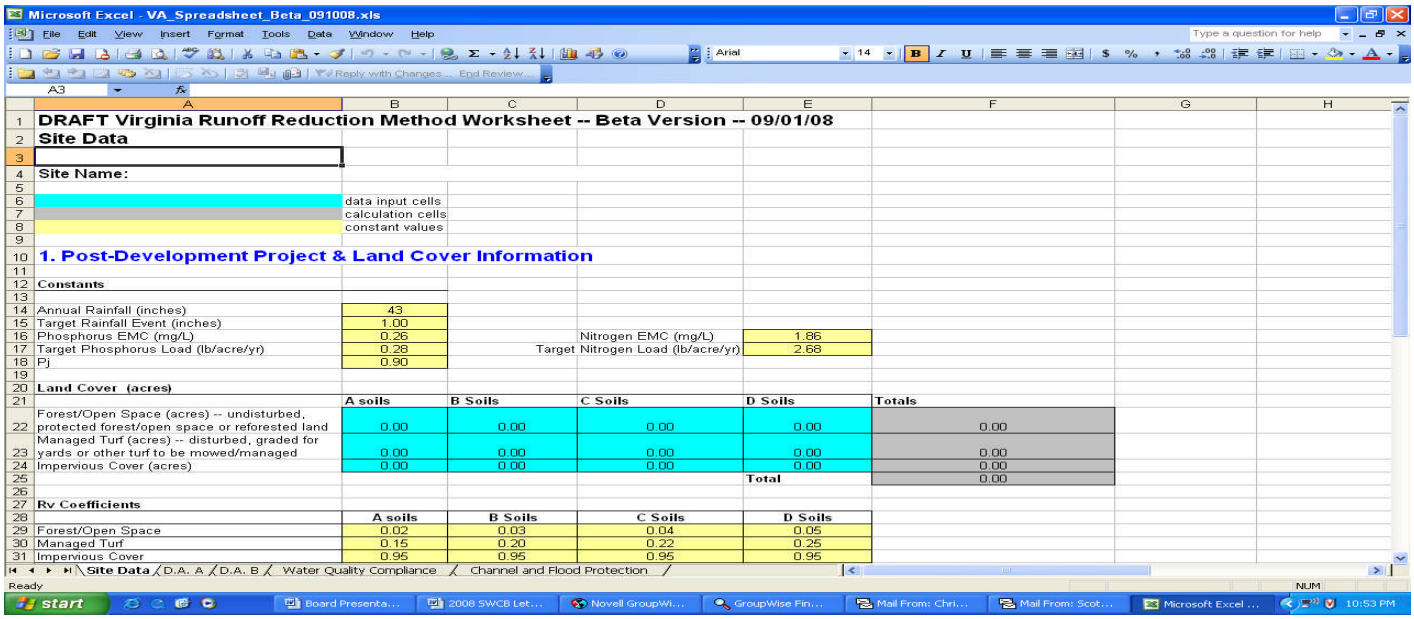


- DCR has reformatted its policy and regulatory area of its website (http://www.dcr.virginia.gov/lawregs.shtml) to better manage and direct information related to these regulatory actions.



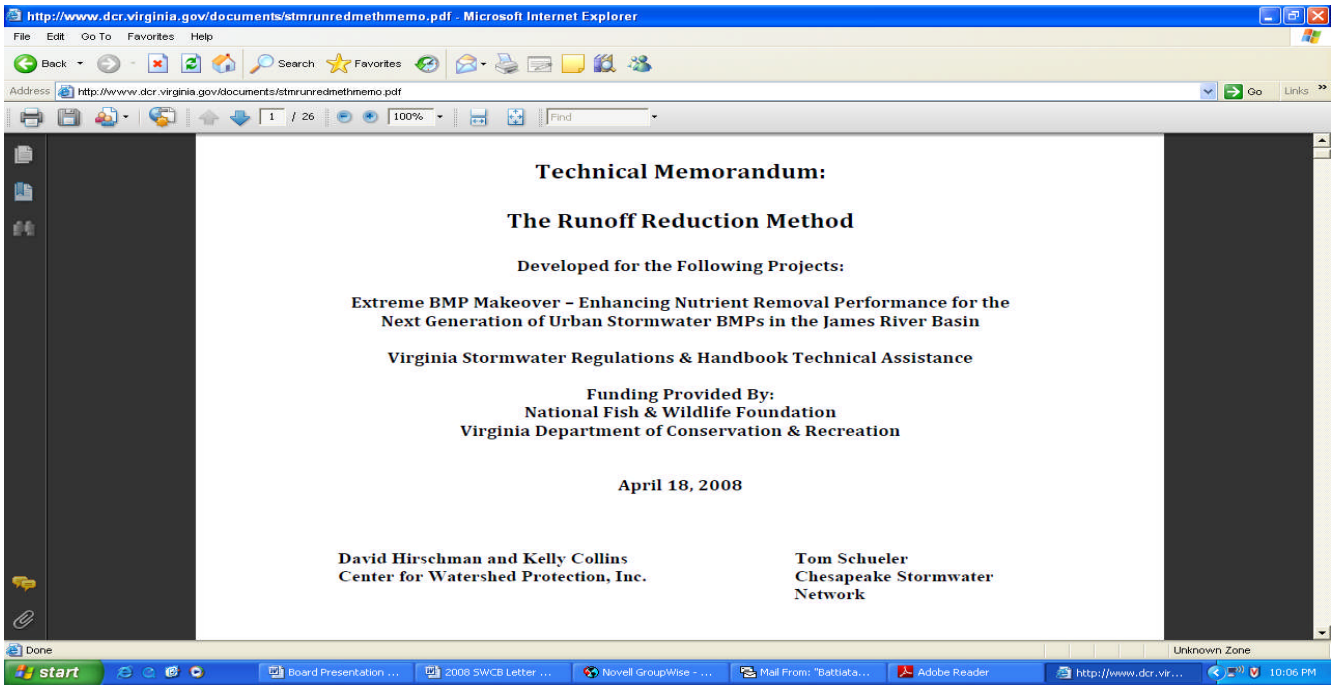
- Virginia Runoff Reduction Method Worksheet is available on DCR's website at http://www.dcr.virginia.gov/lawregs.shtml.

  Look under: Stormwater Parts 1, 2, 3 & 13 button
  In: Runoff Reduction Method
  Select: Virginia Runoff Reduction Method Worksheet
  http://www.dcr.virginia.gov/lr2f.shtml

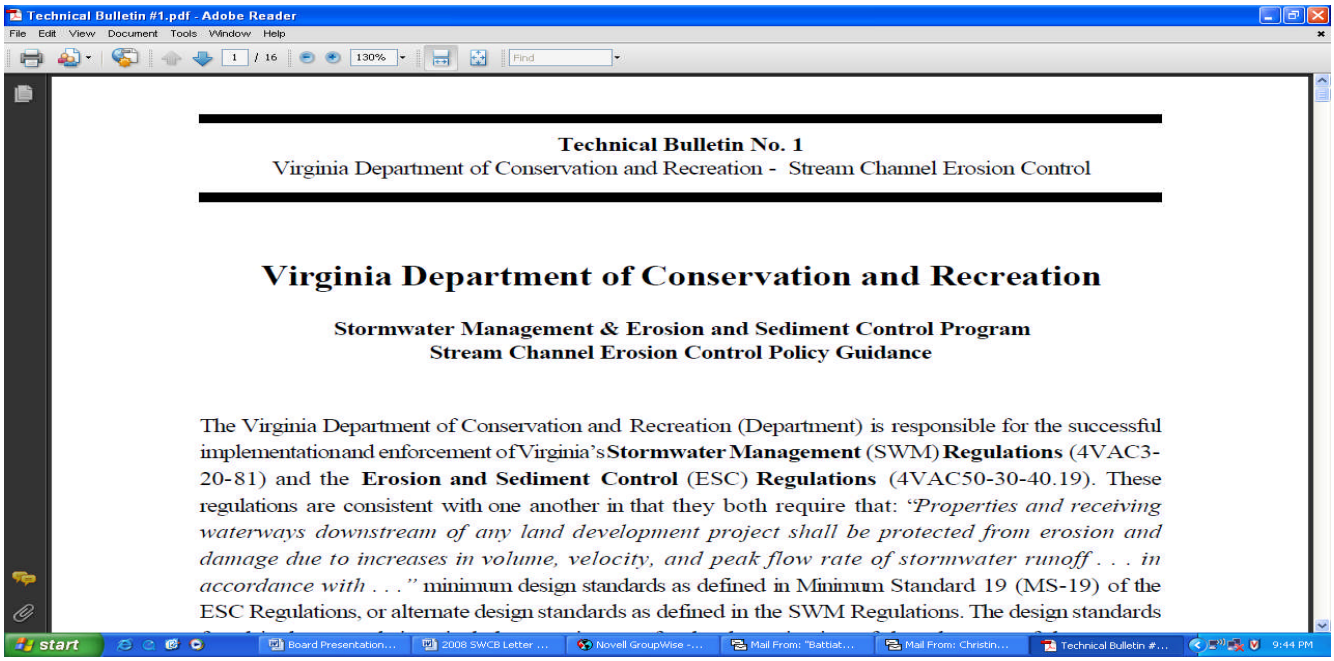


- The Technical Memorandum: The Runoff Reduction Method is available on DCR's website at http://www.dcr.virginia.gov/lawregs.shtml.

  Look under: Stormwater Parts 1, 2, 3 & 13 button
  In: Runoff Reduction Method
  Select: Technical Memo
  http://www.dcr.virginia.gov/lr2f.shtml



- Technical Bulletin No. 1 on Stream Channel Erosion Control, that is also referenced in the regulations, is available on DCR's website at http://www.dcr.virginia.gov/soil_&_water/stormwat.shtml.



4) The fees do not include the costs for future BMP inspections and maintenance (after project termination)

- When establishing the fees, the Department did consider whether or not to add a long-term BMP inspection and maintenance component to the fee regulations. While recognizing the importance of BMP inspections and maintenance, the Department is not recommending adding this additional cost to the permit fees being paid by the development community.

- Under the provisions of law, a locality may establish utility service fees to address maintenance and inspection of BMPs in accordance with § 15.2-2114. Regulation of stormwater.
    - A. Any locality, by ordinance, may adopt a stormwater control program consistent with Article 1.1 (§ 10.1-603.1 et seq.) of Chapter 6 of Title 10.1, or any other state or federal regulation, by establishing a utility or enacting a system of service charges. Income derived from these charges shall be dedicated special revenue and may be used only to pay or recover costs for the following:
        - 4. Facility maintenance, including the maintenance of dams, whether publicly or privately owned, that serve to control the stormwater; however, prior to adoption of any ordinance pursuant to this section related to the maintenance of privately owned dams, a locality shall comply with the notice provisions of § 15.2-1427 and hold a public hearing;
        - 5. Monitoring of stormwater control devices;

5) The fees that have been established are too high (or too low).

- Today's existing fees are those minimal fees that came over from DEQ in 2005 that were essentially only processing fees. These fees have been amended in this regulatory action as they are insufficient for the operation of a local program and for necessary program oversight.

- Per the Code, the fees need to be set at level sufficient to cover expenses associated with all portions of the administration of the Commonwealth's stormwater management permit program. Those that are being recommended are conservative.

- A number of localities wanted to make sure the state set a fee that would allow then to adequately administer a local program. As such, we were very careful to establish permit fees that appropriately covered the costs of the key elements of administering a stormwater program; plan review, permit review and issuance, inspections, enforcement, program administration and oversight, and travel. The permit fee also includes costs associated with department oversight functions and database management.

- The construction fees are based on the area being disturbed. Administrative expenses routinely increase with the size of the project. When the higher fees are put on a per lot basis, they do not result in a large increase per lot. Such increases will most likely be passed on to the consumer as part of doing business.

- The annual maintenance fees have been established to allow local programs to recoup inspection and enforcement expenses for a project that has not been completed and terminated within the first year. Additionally, modification fees are added to allow a local program to recover expenses associated with significant plan modifications that require review.

- The CPI-U annual increase was added as several localities suggested a mechanism was needed to ensure that fees keep pace with the costs of doing business.

6) The 28% of the fees for DCR's program oversight was set based on incorrect permit numbers.

- DCR's estimated revenue to cover its program oversight responsibilities is based on a future estimate of 3,000 permit coverages being issued per year. This was based on our current data: FY2006 = 2678 permits; FY2007 = 2707 permits; and FY08 = 2513 permits.

- It has been suggested that DCR's numbers under-estimate the true number of projects on-going in the jurisdictions and that information being provided by localities to the Department regarding erosion and sediment control projects might be utilized to arrive at a more refined number. The endpoint of this discussion is that if DCR has under-estimated the true number of revenue producing activities, that it will be collecting more money than necessary to mange its estimated oversight needs. If this is true, than DCR could reduce the fees and its percentage of the total amount collected.

- As DCR's sole source of funding to administer the Commonwealth's stormwater management program comes exclusively from fee revenue, we want to make absolutely sure that we establish the fees appropriately and thus currently have based it on know permits.

- However, based on the preliminary analysis in the economic study between general permit coverages issued by DCR and reported land disturbing projects of size in Chesapeake Bay Act localities, there is evidence that DCR may only be seeing about 41% of the projects requiring permits. However, the under-estimating appears to be primarily from the smaller (probably < 1 acre) projects that have much lower fees and that therefore generate much less revenue.

- Understanding the importance of this issue, the Department will further research this element during the public comment period and recommend to the Board further fee regulation revisions in the final version should it be determined to be appropriate.

Again, in closing, I strongly hope/ recommend that the Board will support the Department's recommendations and approve the Part I, II, and III and the Part XIII proposed regulations and authorize their filing for review by the Administration and for public comment.

Prior to public comment, I would now like to provide David Hirshman from the Center for Watershed Protection an opportunity to brief you on the results and products of our contract with them. DCR hired the Center for Watershed Protection to research the scientific rationale for the establishment of the regulatory criteria and to help us build the necessary tools to comply with the standards set out in the regulation. This includes the spreadsheet as well as the BMP standards and specs. Additionally, CWP has been a major partner in the charrettes. As these tools are an important component of the regulations, we wanted to provide an opportunity for the Board to be briefed on this element of the regulations.

Following David's overview, I will turn it back to you Madame Chairman for public comment and for discussion and consideration of the motions for Parts I, II, and III and a separate one for Part XIII that are included on the last two pages of this document.

VIRGINIA SOIL AND WATER CONSERVATION BOARD
September 24, 2008 Meeting
at the Patrick Henry Building
Richmond, Virginia

Motion to approve, authorize and direct the filing of proposed regulations related to the Board's Virginia Stormwater Management Program (VSMP) Permit Regulations (Parts I, II, and III)

The Board approves these proposed regulations and authorizes the Director of the Department of Conservation and Recreation and the Departmental Regulatory Coordinator to submit the proposed amendments to Parts I, II, and III of the Board's Virginia Stormwater Management Program (VSMP) Permit Regulations and any other incorporated or associated forms or documents to the U.S. Environmental Protection Agency, the Virginia TownHall, and upon approval by the Administration to the Registrar of Virginia.

As part of the process, the Board further authorizes at least one public hearing to be held by the Department following publication of the proposed regulations in the Virginia Register of Regulations and that the Department make provisions to receive public comment concerning the proposed regulations. The hearing may be held together with the hearing on Part XIII. Upon the closing of the public comment period, the Department is authorized to make revisions to the proposed regulations in response to the comments received and to hold additional stakeholder group meetings as it deems necessary.

This authorization is related to those changes that are subject to the Administrative Process Act and to the Virginia Register Act. The Department shall follow and conduct actions in accordance with the Administrative Process Act, the Virginia Register Act, the Board's Regulatory Public Participation Procedures, the Governor's Executive Order 36 (2006) on the "Development and Review of Regulations Proposed by State Agencies".

This authorization extends to, but is not limited to, the posting of the approved action to the Virginia Regulatory TownHall and the filing of the proposed regulations and incorporated forms and documents with the Virginia Registrar's Office and the U.S. Environmental Protection Agency, the holding of at least one public hearing, as well as the coordination necessary to gain approvals from the Department of Planning and Budget, the Secretary of Natural Resources, the Governor, the Office of the Attorney General, the Virginia Registrar of Regulations, and the U.S. Environmental Protection Agency.

The Board requests that the Director or the Regulatory Coordinator report to the Board on these actions at subsequent Board meetings.

Motion made by: _____

Motion seconded by: _____

Action: _____

_____ _____
Linda S. Campbell Joseph H. Maroon
Chairman Secretary

VIRGINIA SOIL AND WATER CONSERVATION BOARD
September 24, 2008 Meeting
at the Patrick Henry Building
Richmond, Virginia

Motion to approve, authorize and direct the filing of proposed regulations related to the Board's Virginia Stormwater Management Program (VSMP) Permit Regulations (Part XIII)

The Board approves these proposed regulations and authorizes the Director of the Department of Conservation and Recreation and the Departmental Regulatory Coordinator to submit the proposed amendments to Part XIII of the Board's Virginia Stormwater Management Program (VSMP) Permit Regulations and any other incorporated or associated forms or documents to the U.S. Environmental Protection Agency, the Virginia TownHall, and upon approval by the Administration to the Registrar of Virginia.

As part of the process, the Board further authorizes at least one public hearing to be held by the Department following publication of the proposed regulations in the Virginia Register of Regulations and that the Department make provisions to receive public comment concerning the proposed regulations. The hearing may be held together with the hearing on Parts I, II, and III. Upon the closing of the public comment period, the Department is authorized to make revisions to the proposed regulations in response to the comments received and to hold additional stakeholder group meetings as it deems necessary.

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Motion seconded by: _____

Action: _____

_____ _____
Linda S. Campbell Joseph H. Maroon
Chairman Secretary